

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

NATIONAL TPS ALLIANCE, MARIELA GONZÁLEZ, FREDDY JOSE ARAPE RIVAS, M.H., CECILIA DANIELA GONZÁLEZ HERRERA, ALBA CECILIA PURICA HERNÁNDEZ, E.R., HENDRINA VIVAS CASTILLO, A.C.A., SHERIKA BLANC, VILES DORSAINVIL, and G.S.,

Plaintiffs,

vs.
KRISTI NOEM, in her official capacity as Secretary of Homeland Security, UNITED STATES DEPARTMENT OF HOMELAND SECURITY, and UNITED STATES OF AMERICA,

Defendants.

Case No. 3:25-cv-01766-EMC (SK)

[PROPOSED] ORDER REGARDING NON-RESPONSIVENESS DETERMINATIONS

1 Pursuant to the Court's direction at the June 23, 2025 discovery hearing, Plaintiffs submit the
2 following proposed order regarding nonresponsiveness determinations:

3 The parties submitted a joint discovery letter brief to this Court concerning, among other
4 issues, Defendants' withholding of documents on the basis of purported nonresponsiveness. (Dkt.
5 No. 211.) Having considered the Parties' positions raised in the joint discovery brief as well as
6 during the June 23, 2025 hearing, it is hereby ORDERED that:

- 7 1. Documents related to Defendants' assessment of Venezuela and TPS as a whole are
8 responsive. Defendants' must re-review all documents originally deemed non-responsive to
9 determine whether any previously withheld document related to this category is responsive in
10 light of this order. Any documents identified as responsive must be produced or logged, as
11 applicable, by June 26, 2025. On June 26, 2025, Defendants must submit an affidavit that
12 they conducted this re-review and that no additional documents exist related to this category
13 that have not been produced or logged.
- 14 2. Defendants must gather all documents in the following categories that hit on the search terms
15 and were withheld as nonresponsive. Defendants may exclude communications concerning
16 press clippings or about press releases; or family members of documents that hit on the
17 search terms, but which do not themselves hit on the search terms. If the number of
18 documents in any of these categories is fewer than 10, Defendants must submit those
19 documents *in camera* for the Court's review by June 26, 2025. If the number of documents in
20 any of these categories is greater than 10, Defendants must randomly identify 10 documents
21 from that category to provide *in camera* for the Court's review by June 26, 2025.
 - 22 a. Documents custodial to Secretary Noem;
 - 23 b. Documents custodial to Corey Lewandowski;
 - 24 c. Documents custodial to any producing custodian dated between January 20, 2025
25 through January 24, 2025, inclusively (that is, including documents dated January 20,
26 2025 and documents dated January 24, 2025);
 - 27 d. Documents that hit on the search term: ["Temporary Protected Status" OR TPS OR
28 1254a] AND [vacat*];

- 1 e. Documents that hit on the search term: [Temporary Protected Status" OR "TPS" OR
2 1254a] AND [Haiti].
- 3 3. For each of the above categories, to the extent Defendants do not identify any documents,
4 they must submit an affidavit by June 26, 2025, stating that no documents within that
5 category exist.
- 6 4. Defendants shall name Secretary Noem's Executive Secretary as a custodian in light of their
7 assertion during the hearing that Secretary Noem principally communicates with and through
8 her Executive Secretary; and shall conduct a search of records using the same date ranges
9 and search terms used for other custodians and produce or log all responsive communications
10 by June 26, 2025 custodial to Secretary Noem's Executive Secretary.
- 11 5. Defendants shall verify by June 26 that all responsive documents have been produced or
12 logged.

13
14 IT IS SO ORDERED.

15 Dated: _____, 2025

16 _____
17 SALLIE KIM
United States Magistrate Judge